

**SEMINOLE COUNTY GOVERNMENT  
BOARD OF ADJUSTMENT  
AGENDA MEMORANDUM**

**SUBJECT:** REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 8.4 FEET FOR AN EXISTING COVERED SCREEN ROOM (PEDRO COLON, APPLICANT).

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Earnest McDonald **CONTACT:** Kathy Fall **EXT.** 7389

**Agenda Date** 10-27-03 **Regular** ☒ **Consent** ☐ **Public Hearing – 6:00** ☒

**MOTION/RECOMMENDATION:**

1. **APPROVE** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 8.4 FEET FOR AN EXISTING COVERED SCREEN ROOM (PEDRO COLON, APPLICANT); OR
2. **DENY** THE REQUEST FOR REAR YARD SETBACK VARIANCE FROM 20 FEET TO 8.4 FEET FOR AN EXISTING COVERED SCREEN ROOM (PEDRO COLON, APPLICANT); OR
3. **CONTINUE** THE REQUEST TO A TIME AND DATE CERTAIN.

(District 2 – McLain)

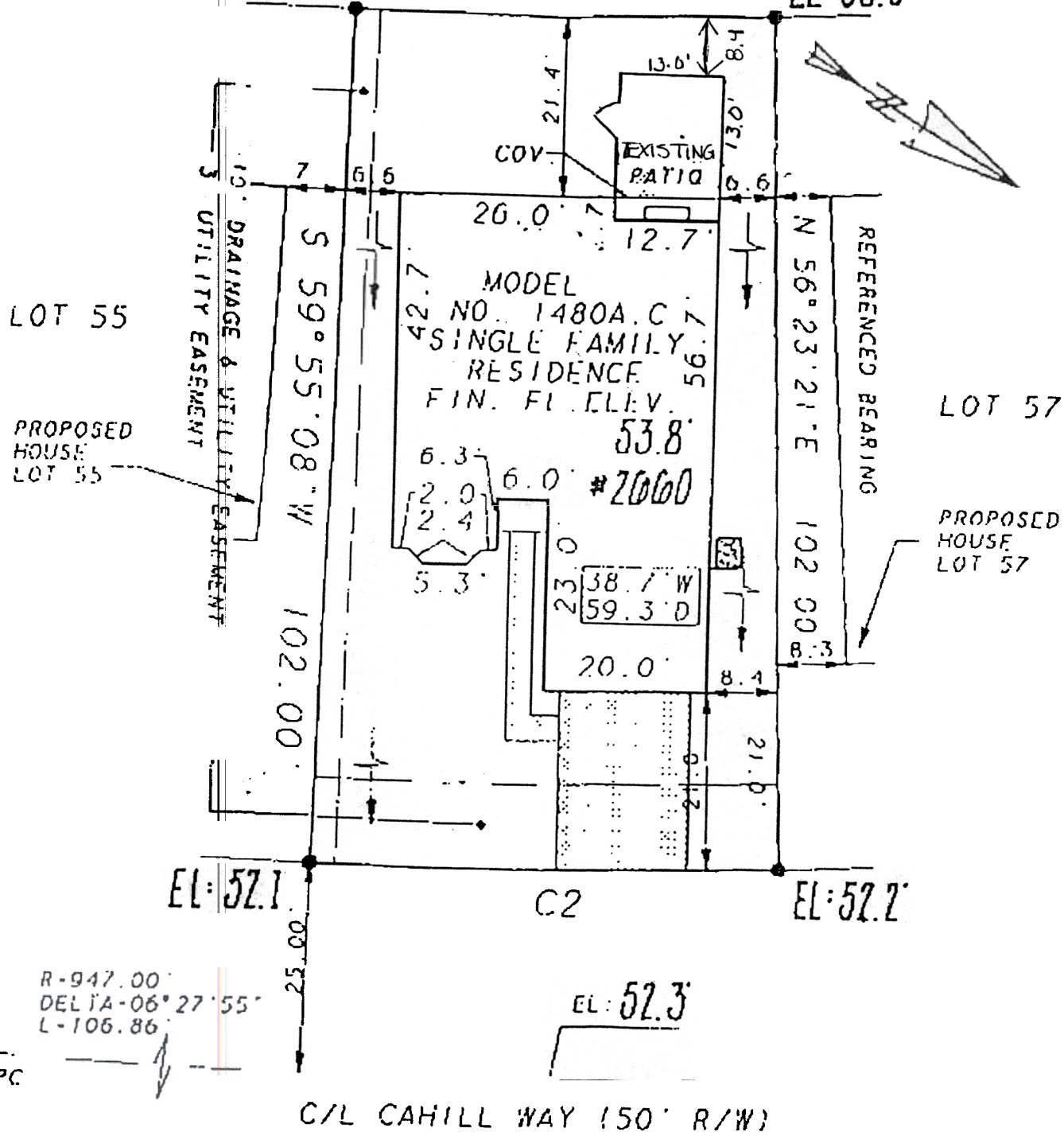
(Kathy Fall, Senior Planner)

<b>GENERAL INFORMATION</b>	<p><b>APPLICANT:</b> PEDRO COLON</p> <p><b>LOCATION:</b> 2660 CAHILL WAY</p> <p><b>ZONING:</b> PUD (CHASE GROVES)</p>
<b>BACKGROUND/REQUEST</b>	<ul style="list-style-type: none"> <li>• THE APPLICANT CONSTRUCTED A 169 SQUARE FEET (13 FEET X 13 FEET) COVERED SCREEN ROOM WITHOUT A BUILDING PERMIT.</li> <li>• THE APPLICANT RECEIVED A NOTICE OF VIOLATION FROM THE SEMINOLE COUNTY BUILDING DEPARTMENT FOR THE UNPERMITTED CONSTRUCTION OF THE COVERED SCREEN ROOM.</li> <li>• THE EXISTING SCREEN ROOM ENCROACHES 11.6 FEET INTO THE MINIMUM REAR YARD SETBACK.</li> <li>• A MASONRY SUBDIVISION WALL ABUTS THE REAR OF THE SUBJECT PROPERTY, SEPARATING IT FROM CASA VERDE BOULEVARD.</li> <li>• THERE IS NO RECORD OF PREVIOUSLY GRANTED VARIANCES OR SPECIAL EXCEPTIONS FOR THIS</li> </ul>

	<p>PROPERTY. HOWEVER, THE BOA HAS GRANTED SIMILAR VARIANCES WITHIN THE CHASE GROVES PUD, WHICH INCLUDED A REAR YARD SETBACK VARIANCE FROM 20 FT TO 9.5 FT FOR A PROPOSED SCREEN ROOM AS RECENT AS AUGUST 2003 (BV2003-101).</p>
<b>STAFF FINDINGS</b>	<ul style="list-style-type: none"><li>• THE EXISTING HOME HAS AN L-SHAPED CONFIGURATION, WHERE THE GARAGE PROJECTS BEYOND THE LIVABLE AREA OF THE HOUSE. THIS HAS RESULTED IN THE REDUCTION OF BUILDABLE AREA IN THE REAR YARD AND THE RELEGATION OF THE SAME TO THE FRONT YARD. THIS IS A CIRCUMSTANCE COMMONLY ASSOCIATED WITH L-SHAPED HOMES, AND THE APPLICANT WOULD RETAIN REASONABLE USE OF THE PROPERTY SINCE THE OPPORTUNITY EXISTS TO BUILD AN ADDITION TO THE FRONT OF THE HOME WITHOUT A VARIANCE.</li><li>• FOR THESE REASONS, STAFF BELIEVES THE GRANT OF THE REQUESTED VARIANCE WOULD CONFER SPECIAL PRIVILEGES DENIED TO OTHER PROPERTIES IN THE CHASE GROVES PUD BY FURTHERING A TREND OF ENCROACHMENT INTO THE MINIMUM REAR YARD SETBACK WITHOUT THE DEMONSTRATION OF A HARDSHIP.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE THE MINIMUM THAT WOULD MAKE POSSIBLE THE REASONABLE USE OF THE PROPERTY. REASONABLE USE OF THE PROPERTY WOULD BE RETAINED WITHOUT THE GRANT OF THE REQUESTED VARIANCE AS PREVIOUSLY STATED.</li><li>• THE REQUESTED VARIANCE WOULD NOT BE COMPLIANT WITH THE LAND DEVELOPMENT CODE AND WOULD POTENTIALLY INCREASE THE BULK OF STRUCTURES BEYOND ESTABLISHED LIMITS WITHIN THE NEIGHBORHOOD.</li></ul>
<b>STAFF RECOMMENDATION</b>	<p>STAFF THEREBY RECOMMENDS THE BOARD OF ADJUSTMENT DENY THE VARIANCE REQUEST UNLESS THE APPLICANT CAN DEMONSTRATE A HARDSHIP. IF THE BOARD SHOULD DECIDE TO GRANT A VARIANCE, STAFF RECOMMENDS THE FOLLOWING CONDITIONS:</p> <ul style="list-style-type: none"><li>• ANY VARIANCE GRANTED SHOULD APPLY ONLY TO THE EXISTING COVERED SCREEN ROOM AS SHOWN ON THE ATTACHED SITE PLAN.</li><li>• ANY ADDITIONAL CONDITION(S) DEEMED APPROPRIATE BY THE BOARD, BASED ON INFORMATION PRESENTED AT THE PUBLIC HEARING.</li></ul>

56 19

EL: 53.3



**VARIANCE  
APPLICATION TO THE SEMINOLE COUNTY  
BOARD OF ADJUSTMENT**

APPLICANT: Pedro Colon  
COMPLETE MAILING ADDRESS: 2660 Cahill Way Lake Mary FL 32746  
PHONE: WORK: 407-942-7479 HOME: 407-328-9895 FAX: \_\_\_\_\_  
CELL PHONE: 407-463-9092 Email: pc89353@earthlink.net  
PROPERTY OWNER OF RECORD: Pedro + Iris Colon  
SITE OF REQUEST: SAME ADDRESS  
STATEMENT OF HARSHIP: \_\_\_\_\_

REQUEST: Screen Room Permit RYSBV from 20FT to 8.4 FT for existing  
(Cuppermitted) screen room.

LEGAL DESCRIPTION OF PROPERTY: Lot 56 "Chase Groves Unit 6"  
according to the plat thereof as recorded in Plat Book 44  
at pages 29-31 of the Public Records of Seminole County FL  
TAX PARCEL ID NO. 03-20-30-513-0000-0560

KNOWN CODE ENFORCEMENT VIOLATIONS ON PROPERTY: \_\_\_\_\_

**EACH APPLICATION WILL BE ACCOMPANIED BY THE FOLLOWING:**

Applicant must be the property owner. Someone other than the property owner may act on the property owner's behalf at the public hearing; however, a letter of authorization from the property owner must be submitted to the County. One 8.5" X 14" site plan and application fee.

SIGNATURE OF APPLICANT: \_\_\_\_\_ DATE: \_\_\_\_\_

<b>FOR OFFICE USE ONLY</b>	
FEE: <u>150<sup>00</sup></u> CK# <u>5809</u>	RECEIPT# _____ DATE _____ ZONING DISTRICT: <u>PUD</u>
FURTHER DESCRIBED AS: _____	
LOT SIZE: _____	
<b>PROCESSING:</b>	
A. LEGAL AD TO NEWSPAPER _____	B. NOTICE TO PROPERTY OWNERS _____
C. PLACARDS / NOTICE _____	D. PROJECT NO. <u>03 30000 145</u>
E. BOARD ACTION / DATE _____	F. LETTER TO APPLICANT _____
G. PUD SETBACKS _____	

INITIAL CONFERENCE 9-5-03

BCC DISTRICT \_\_\_\_\_

PLANNER EAM

FILE NO. BV 2003-142

MEETING DATE Oct. 27, 2003

COMMISSION DISTRICT #:

GUI  
PROJ. #

ZONED: PUD

SEC: 3

TWP: 20

RNG: 30

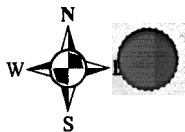
<b>DEVELOPMENT:</b>		Chase Groves Unit 6				<b>DEVELOPER:</b>		Laurel Homes									
<b>LOCATION:</b>		E side of Casa Verde Boulevard, between C-46A and Old Lake Mary Boulevard 102 lots															
<b>FILE#:</b>				<b>BA:</b>				<b>SP:</b>				<b>BCC:</b>					
<b>P&amp;Z:</b>																	
<b>PB</b>	44	<b>PG</b>	29, 31	<b>Lot</b>		<b>Blk</b>		<b>Parcel</b>		<b>DBA</b>		<b>Comm Dist</b>					
<b>DEVEL. ORDER #:</b>		87-0012				<b>TAX PAR. I.D. #:</b>											
<b>SIDEWALKS:</b> 4' wide on both sides								<b>SETBACK REQUIREMENTS</b>									
								<table border="1"> <tr> <td><b>FY:</b></td> <td>20'</td> <td><b>SIDE ST.:</b></td> <td></td> <td><b>SY:</b></td> <td>0*- 10'***</td> <td><b>RY:</b></td> <td>20'</td> </tr> </table>						<b>FY:</b>	20'	<b>SIDE ST.:</b>	
<b>FY:</b>	20'	<b>SIDE ST.:</b>		<b>SY:</b>	0*- 10'***	<b>RY:</b>	20'										
<b>ROAD TYPE:</b> (CURB & GUTTER OR SWALE)						<b>MAIN STRUCTURE OTHER:</b> *10' minimum between buildings **Side street: with driveway - 20'; without driveway - 15'											
<b>COMMENTS OTHER:</b>  Not flood prone.						<b>ACCESSORY STRUCTURE SETBACKS:</b> <table border="1"> <tr> <td><b>SY:</b></td> <td>0-10'</td> <td><b>RY:</b></td> <td>10'</td> </tr> </table> <b>ACCESSORY STRUCTURE OTHER:</b>						<b>SY:</b>	0-10'	<b>RY:</b>	10'		
<b>SY:</b>	0-10'	<b>RY:</b>	10'														

		IMPACT FEES	
		<b>SCREEN:</b>	ORD
		<b>TRAFFIC ZONE:</b>	23
		<b>LAND USE:</b>	1
		1. ROAD-CO. WIDE	ORD
		2. ROAD-COLL.	ORD
		3. LIBRARY	ORD
		4. FIRE	ORD
		5. PARK	
		6. SCHOOL	ORD
		7. LAW	
		8. DRAINAGE	C-200.00
		<b>TOTAL</b>	\$2,657.00
		<b>REMARKS:</b> Curb & gutter; sidewalks required	

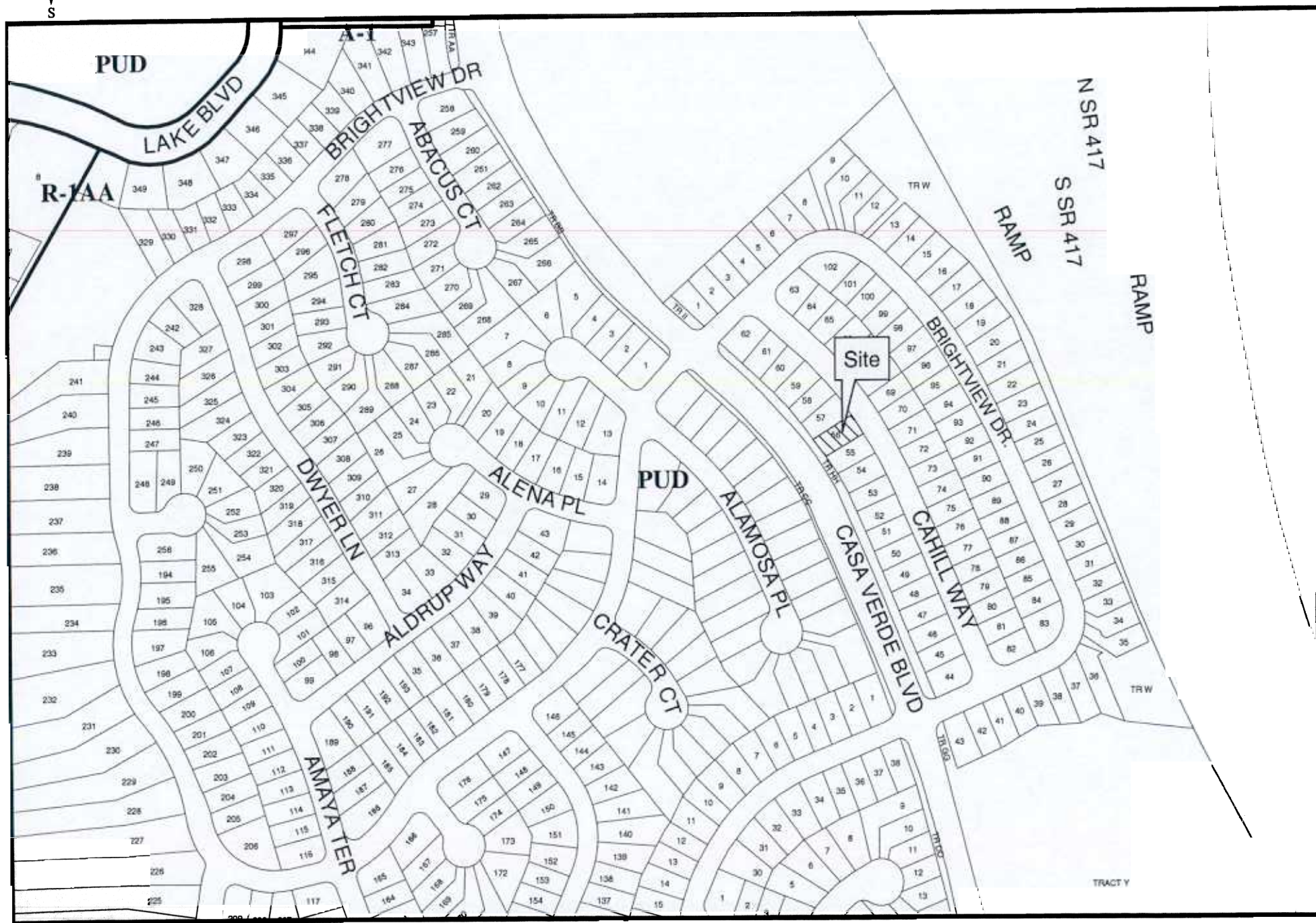
## COMMITMENT CARD

Instructions: print two-sided on card stock and cut along the left and bottom border.





# Pedro Colon 2660 Cahill Way



0 150 300 600 Feet

**SEMINOLE COUNTY APPROVAL DEVELOPMENT ORDER**

On October 27, 2003, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Leg lot 56 Chase Groves Unit 6 PB 44 PGS 29 thru 31

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** PEDRO COLON  
2660 CAHILL WAY  
LAKE MARY, FL 32746

**Requested Development Approval:**

1. Rear yard setback variance from 20 feet to 8.4 feet for a covered screen room.

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: Kathy Fall  
1101 East First Street  
Sanford, Florida 32771

### Order

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The ~~aforementioned~~ application for development approval is **GRANTED**.
- (2) All ~~development~~ shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The ~~conditions~~ upon this development approval and the commitments made as to this ~~development~~ approval, all of which have been accepted by and agreed to by the owner of the property are as follows:
  - a. The variance granted will apply only to the covered screen room as shown ~~on~~ the attached site plan.
- (4) This ~~Development~~ Order touches and concerns the ~~aforescribed~~ property and the ~~conditions~~, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and ~~binding~~ upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the ~~said~~ property has expressly covenanted and agreed to this provision and all ~~other terms~~ and provisions of this Development Order.
- (5) The ~~terms~~ and provisions of this Order are not severable and in the event any ~~portion~~ of this Order shall be found to be invalid or illegal then the entire order shall be null and void.



Done and Ordered on the date first written above.

By: \_\_\_\_\_  
Matthew West  
Planning Manager

STATE OF FLORIDA     )  
COUNTY OF SEMINOLE    )

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Matthew West who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires: